

REMARKS

In the Office Action mailed April 22, 2005, the Examiner objected to claims 27, 32, and 37, the independent claims, because it was not clear to the Examiner which portion of the claims were preamble and which portion of the claims were bodies of the claims. The Examiner will please note that by the foregoing proposed amendments to claims 27, 32, and 37 that it should now be clear to the Examiner which portions of these claims are in fact preamble, and which portions are in fact the body of the claims.

Claims 27-39 were rejected under 35 U.S.C. §112, second paragraph, because the preamble format of claims 27, 32 and 37 were deemed by the Examiner to have insufficient antecedent basis, which the Applicants do not quite understand, but nevertheless, the Applicants have amended the preambles to these claims to remove the articles “a” and “an.”

Claims 27-39 were also rejected under 35 U.S.C. §101, because it was the Examiner’s belief that the claimed invention is directed to non-statutory subject matter. In short, the Examiner noted that the use of a computer has not been indicated in the claims. By the foregoing proposed amendments to claims 27-39, the Examiner will now appreciate that the use of a computer has been indicated in the claims, and therefore Applicants believe they have overcome the rejection imposed under 35 U.S.C. §101.

Claims 27-39 have also been rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0491069 A1 (“Pirovano”) in view of Yamagishi. For the reasons that follow, Applicants traverse this ground for rejecting these claims.

In the Office Action mailed April 22, 2005, the Examiner admitted that Pirovano does not explicitly teach conditional updating of the database (page 5 lines 5-6). Of course the Pirovano system needs to address the user terminal before sending data. Page 2 of Pirovano, lines 57-58,

indicates that each end user has a unique identifier that is used for selective transmission between a provider and a user. On page 3, lines 15 to 23, Pirovano mentioned that the connection needs a calling-terminal-address (provider) and a called-terminal-address (user terminal). Furthermore, Pirovano does not disclose at all the transmission of an identical message to all or part of the user terminals, said message having a different influence on each terminal depending on the content of the user's database stored in the user's terminal, as claimed in the present invention.

In other words the format of a message according Pirovano is not applicable to the system of the present invention.

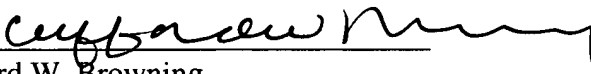
In Yamagishi the server creates an updating information message and broadcasts it to a user terminal. At reception of such message, the user terminal sends a request for updating to the server. The latter retrieves the suitable update corresponding to the request and transmits said update to the terminal. Such system needs a bidirectional transmission that is not necessary for the system of the invention.

In Yamagishi, no conditional update is disclosed since the update is carried out on request of the terminal after reception of the update information. The effect of the message sent by the server is limited to informing the user that an update is available. It does not influence the terminal database. Only the update sent in reply to the request is able to change the terminal database. Pirovano and Yamagishi teachings, therefore, cannot be combined in any way to produce the Applicants' presently claimed invention.

For all these foregoing reasons, Applicants respectfully request entry of the foregoing amendments and consideration of the foregoing remarks, reconsideration of the present application in light thereof, and then allowance of amended claims 27-39, as amended, over all the prior art of record. In the event that the Examiner is not inclined to allow claims 27-39, as amended, before issuing a final rejection, Applicants respectfully request the Examiner to notify the undersigned

counsel by telephone, who will then request the Examiner to schedule an interview with the Applicants by telephone to discuss an appropriate way forward to obtain allowable claims covering the invention of the present application.

Respectfully submitted,

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